IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

CENTURY SURETY COMPANY,		
	)	
Plaintiff,	)	
v.	)	**Case No. 13-CV-386-C**
	)	
SHAYONA INVESTMENT, LLC	)	
	)	**May 2014 Trial Docket**
Defendant.	)	

FINAL PRETRIAL REPORT

All counsel who will appear at trial:

Appearing for Plaintiff:

Phil R. Richards
Brett E. Gray
RICHARDS & CONNOR
12th Floor, ParkCentre Bldg.
525 S. Main Street
Tulsa, Oklahoma 74103

Appearing for Defendant:

S. Corey Stone
Jim Cole Pettis
PETTIS STONE
320 N. Broadway
Shawnee, OK 74801

Jury Trial Demanded X - Non-Jury Trial □

1. BRIEF PRELIMINARY STATEMENT. State briefly and in ordinary language the facts and positions of the parties (appropriate for use during jury selection in jury cases).

   The parties to this case are Century Surety Company, the Plaintiff, and Shayona Investment, LLC, the Defendant.

This is a case involving a dispute concerning claims made under an insurance contract. Century Surety issued a commercial insurance policy to Shayona, which insured a hotel owned by Shayona from October 19, 2011 to October 19, 2012. The hotel, known as the Cinderella Inn, is located at 623 Kickapoo Spur in Shawnee, Oklahoma. Under the policy, Century Surety agreed that if the Cinderella Inn suffered a direct physical loss or damage because of a covered loss which occurred during the policy period, Century Surety would pay the actual cost to repair or replace the damaged property, up to the policy limit, subject to Shayona cooperating with Century Surety in its investigation of the claim and providing documentation of its losses.

Shayona claims that while the policy was in force, the Cinderella Inn suffered damage due to the vandalism of Dietrich's Club, a bar located within the Cinderella Inn, on October 30, 2011. Shayona submitted a claim to Century Surety for what it claimed were its losses and damages, and Century Surety paid Shayona for the vandalism claim although whether it paid all that was due on the claim is disputed.

Shayona also claims that while the policy was force, the property suffered hail damage in a hail storm that occurred on May 29, 2012. Shayona submitted a claim to Century Surety for what it claimed were its losses and damages from that hail storm, and Century Surety made payments to Shayona for the hail claim although whether Century Surety paid all that was due upon the claim is disputed.

Century Surety claims that Shayona has breached conditions to coverage under the policy by failing to provide requested documentation of its losses, by submitting claim documents which do not truthfully reflect damage to the motel during the policy period or the true cost to repair that damage, and by failing to cooperate in Century Surety's investigation of Shayona's claims. Century Surety brings this lawsuit seeking an adjudication of whether Shayona's conduct has breached the policy such that it has no further obligation to Shayona, and whether any such breach was fraudulent or involved the submission of false information so that the coverage of the policy is void and Century Surety is entitled to recover back its claim payments of $777,885.41 and claim expenses of $85,228.69 or, if no such breach has occurred, whether Century Surety owes Shayona anything further for the insurance claims and, if so, how much.

Shayona denies that it has submitted false or fraudulent information to Century Surety or has otherwise breached any term or condition of the insurance policy, and further claims that Century Surety has breached the insurance contract by failing to timely pay the claim and is guilty of bad faith in failing to reasonably and fairly investigate, evaluate, and pay its claim.

Century Surety denies the allegations and claims of Shayona.

2. JURISDICTION. The basis on which the jurisdiction of the Court is invoked.

Jurisdiction is proper under 12 U.S.C. § 1332. Century Surety is an Ohio corporation having its principal place of business within the state of Michigan, and Shayona is an Oklahoma limited liability company having its principal place of business within the state of Oklahoma. The amount in controversy exceeds $75,000.00, exclusive of interest and costs, based both upon the remaining balance which Shayona contends it is entitled to recover from Century Surety upon its claims under the policy and the amount which Century Surety contends it may be entitled to recover in claims paid to date in the event that the Court determines Shayona submitted false claim information which voids coverage for these claims.

3. STIPULATED FACTS. List stipulations as to all facts that are not disputed or reasonably disputable, including jurisdictional facts.

1. Century Surety is an Ohio corporation having its principal place of business within the state of Michigan.

2. Shayona is an Oklahoma limited liability company having its principal place of business within the state of Oklahoma.

3. The amount in controversy exceeds $75,000.00, exclusive of interest and costs, based upon the remaining balance which Shayona contends it is entitled to recover from Century Surety upon its claims under the policy.

4. The insured property which is the subject of the insurance claims which this lawsuit concerns is located in Shawnee, Oklahoma, and thus venue is proper in the Western District of Oklahoma.

5. Century Surety insured a commercial property owned by Shayona in Shawnee, Oklahoma, known as the Cinderella Inn Hotel, under a Commercial Lines Policy numbered CCP 7367231 from October 19, 2011 through October 19, 2012.

4. LEGAL ISSUES. State separately, and by party, each disputed legal issue and the authority relied upon.

1. Whether Century Surety must prove that it is more probably true than not that Shayona submitted fraudulent claim information in order to void the policy, insofar as such constitutes the breach of a contractual provision, or must prove such by clear and convincing evidence, insofar as such constitutes a claim subject to the standard of proof applicable to common law fraud.

5. CONTENTIONS AND CLAIMS FOR DAMAGES OR OTHER RELIEF SOUGHT.

A. Plaintiff

Century Surety seeks a declaratory judgment determining the following issues:

1. Whether Shayona has committed fraud, or intentionally concealed or misrepresented a material fact, concerning one or both of the claims at issue so as to void its coverage under the Century Surety policy, and to thereby entitle Century Surety to a judgment against Shayona for the amount paid upon those claims and a finding that it has no liability upon the claims; or,

2. Whether Shayona has breached the terms of the policy of insurance such that it is entitled to recover no further policy benefits from Century Surety on one of both of Shayona's claims; or,

3. If Shayona did not breach any term of the policy of insurance which would preclude its recovery upon one or both of its claims, an adjudication of any additional amount to which it is entitled upon the claims beyond that which it has been paid to date.

The amount which Century Surety has paid to date upon the claims, and for which Century Surety seeks a judgment in the event that it is determined that Shayona's conduct has voided the policy as to those claims, is equal to or in excess of $863,114.10.

B. Defendant

Breach of insurance contract seeking damages in excess of $75,000

Bad faith seeking damages in excess of $75,000

6. EXHIBITS. The following exclusionary language **MUST** be included:

Unlisted exhibits will not be admitted unless, by order of the court, the final pretrial order is amended to include them.

A. Plaintiff:

Number	Title/Description	Objection	Federal Rule of Evidence Relied Upon

(Premarked for trial and exchanged as required under LCvR 39.4(a))

PLAINTIFF CENTURY SURETY'S EXHIBIT LIST

	EXHIBITS	OBJECTIONS
1.	Century Surety Company Policy #736723 Vandalism Claim File Documents	
2.	Complete Vandalism Claim File	Authentication, Hearsay. Defendant further objects to the categorization of these documents as overly broad and vague
3.	Complete Hail Claim File	Authentication, Hearsay. Defendant further objects to the categorization of these documents as overly broad and vague
4.	R. Toy & Sons Invoices (Century 2964, 2983, 2985, 2996)	Authentication, Hearsay, Relevance
5.	Darrin Stephens Estimate and Invoice Forms	Authentication, Hearsay, Relevance
6.	Darrin Stephens Invoices (623-005, 623-006, 623-007)	Authentication, Hearsay, Relevance
7.	Right Way Services Estimates and Invoices (Century 2988-91, 2993-95, 3001)	Authentication, Hearsay, Relevance
8.	Sunbelt HVAC Proposal and Invoices (Century 2986-87, 2992)	
9.	Lowe's Estimates (Century 2997-3000)	
10.	Shayona Investment 2010 Tax Return	
11.	Shayona Investment 2011 Tax Return	
12.	Shayona Investment 2012 Tax Return	
13.	Oklahoma Department of Health Inspection Documents	Authentication, Hearsay. Defendant

		further objects to the categorization of these documents as overly broad and vague
14.	Beer and Mixed Drink Licenses to DC Entertainment	Authentication, Hearsay, Relevance
15.	Invoices and Checks Produced by Alco Construction	
16.	Roofing Supply Company Invoices for Alco and Cinderella Inn	
17.	Oklahoma ABLE Commission documents re State v. Travis Burdine	Authentication, hersay, Relevance, FRCP 403
18.	County Assessor Record	
19.	Oklahoma Secretary of State Entity Report for Shayona Investment	Authentication, Hearsay, Relevance
20.	County Clerk Property Records for Cinderella Inn	Authentication, Hearsay, Relevance
21.	BancFirst Account Records for Shayona Investment	Authentication, Hearsay, Relevance
22.	New Jersey Department of Treasury Certificate for Sansu Capital LLC	Authentication, Hearsay, Relevance
23.	Report of Rondi Perry	Unqualified opinion testimony (Daubert factors), Authentication, Hearsay, Relevance, Lack of Foundation
24.	Report of Larry Stephenson	Unqualified opinion testimony (Daubert factors), Authentication, Hearsay, Relevance, Lack of Foundation
25.	Report of Kurt Harms	Unqualified opinion testimony (Daubert factors), Authentication, Hearsay, Relevance, Lack of Foundation
26.	Report of Peter Evans	Unqualified opinion testimony (Daubert factors), Authentication, Hearsay, Relevance,

		Lack of Foundation
27.	Shayona Investment's Rule 26 Disclosures	Authentication, Hearsay, Relevance. Defendant further objects to the categorization of these documents as overly broad and vague
28.	Shayona Investment's Answers to Interrogatories	Defendant adopts and re-asserts respective objections to each Interrogatory
29.	Shayona Investment's Responses to Request for Production	Defendant adopts and re-asserts respective objections to each Request for Production of Documents
30.	Claim Expense Checks (Century 916, 880, 772, 678, 3278, 3279, 3280, 3300, 2945)	Authentication, Hearsay. Defendant further objects to the categorization of these documents as overly broad and vague

B. Defendant:

Number	Title/Description	Objection	Federal Rule of Evidence Relied Upon

(Premarked for trial and exchanged as required under LCvR 39.4(a))

DEFENDANT SHAYONA INVESTMENT, LLC'S EXHIBIT LIST

	Exhibits	Objections
1.	Century Surety Company Policy #736723	
2.	Beverage License of Deitrich's Club LLC	402, 403, 802, 901
3.	Century Surety Claim Files, Claim Nos. 01-78343 and 01-084324	
4.	Invoices and estimates, Wilson Electric, Heat & Air	402, 403, 802, 901
5.	Invoices and estimates, Central Disposal	402, 403, 802, 901
6.	BancFirst Account Records for Cinderella Inn, Shayona Investment	402, 403, 802, 901

7.	Invoices and estimates, Signs of Wonders	402, 403, 802, 901
8.	Sunbelt Heating & Air Conditioning, Inc. Proposals and Agreement dated February 21, 2013	
9.	Lowe's Special Order Form for Shayona Investment	
10.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Plaintiff's representatives	402, 403, 802, 901, motion in limine
11.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Plaintiff's third party adjusters	402, 403, 802, 901, motion in limine
12.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Plaintiff's third party subcontractors	402, 403, 802, 901, motion in limine
13.	Estimates prepared by C. Brahmbhatt	402, 403, 802, 901, motion in limine
14.	Invoices and check copies produced by Alco Construction re Cinderella Inn	No objection if those produced pursuant to subpoena duces tecum for Century Surety, otherwise 402, 403, 802, 901
15.	Shawnee Police Department Report re: vandalism claim	
16.	Documents produced pursuant to Rule 26 disclosures of Shayona Investment LLC	402, 403, 802, 901
17.	Invoices and estimates, Indaco Metal	402, 403, 802, 901, motion in limine
18.	Invoices and estimates Roofing Supply Group	402, 403, 802, 901, motion in limine
19.	Invoices and estimates, Crossroad Roofing Supply	402, 403, 802, 901, motion in limine
20.	Invoices and estimates, 151 Hajoca Oklahoma City	402, 403, 802, 901, motion in limine
21.	Photographs of condition and damage to Cinderella Inn, Deitrich's	No objection if those within Century Surety claim files, otherwise 402, 403, 901, motion in limine
22.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Mike Bayliss	
23.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Will Roseberg	402, 403, 802, 901, motion in limine
24.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Kathleen Bost	
25.	Invoices and estimates collected by C. Brahmbhatt as general contractor	402, 403, 802, 901, motion in limine
26.	Correspondence, including electronic mail and attachments, between C. Brahmbhatt and Darren Stevens	402, 403, 802, 901, motion in limine
27.	Century Surety's Rule 26 Disclosures Exhibit	402, 403, 802, 901, motion in

		limine
28.	Plaintiff's Responses to First Interrogatories	402, 403, 802
29.	Plaintiff's Responses to First Request for Production of Documents	402, 403, 802
30.	Plaintiff's Responses to First Request for Admissions	402, 403
31.	Checks issued to insured in payment of claims	
32.	Documents for rebuttal purposes	402, 403, 802, 901, motion in limine
33.	Exhibits listed by Century Surety and not objected to by Shayona Investment, LLC	

7. WITNESSES: The following exclusionary language **MUST** be included:

Unlisted witnesses in chief will not be permitted to testify unless, by order of the court, the final pretrial order is amended to include them.

A. Plaintiff:

Name Address Proposed Testimony

PLAINTIFF CENTURY SURETY'S WITNESS LIST

NO:	WITNESS	SUBJECTS OF INFORMATION
1.	Darryl Davis c/o Richards & Connor, PLLP 525 S. Main St. 12th Floor Tulsa, OK. 74103 (918) 585-2394 (918) 585-1449	Will testify to the investigation into Shayona Investment's claim for loss due to hail and water leakage, as well as the claims for loss of business revenue and business property. Will testify as to the condition of the subject property and operation of the businesses at the time of the loss. Will testify as to previous and subsequent claims for similar losses at subject property. Will testify as to the investigation into operation, ownership, leases, business practices and profits of Cinderella Inn and Dietrich's Club. Will testify to the status of governmental licensing and inspections or citations regarding the sale of food and Alcohol at Cinderella Inn and Dietrich's Club under insured and other parties. Will testify to documentation submitted by insured and his comparison of said documents to independently sourced documents. Will testify to Shayona Investment's failure to allow adequate inspection of the subject property as well as a failure to supply necessary

		documentation required to adequately investigate and document claimed losses, and failure to cooperate in the investigation of its insurance claims.
2.	Larry Stephenson, President Stephenson Consulting Group 3115 Erie Ft. Worth, TX. 76112 (817) 701-0682	Will testify to conducting an inspection of the subject property, including an inspection of damages due to alleged hail and/or water intrusion and preparing a report of same. Will testify as to the general condition of the subject property and provide an opinion as to the claimed losses. Will also testify to expert opinions regarding the nature, cause and timing of alleged damage to Cinderella Inn. Will testify regarding documentation supplied by Shayona Investment, including estimates for the cost of repairs to roof and roof structures, invoices for materials purported to be for the subject property. Will also testify as to claims for damages, including any consequential damages, if any.
3.	Rondi Perry Rooftech Technical Services 1944 Handley Dr. Ft. Worth, TX. 76112 (817) 496-4631	Will testify to conducting an inspection of the subject property, including an inspection of damages due to alleged hail and/or water intrusion and preparing a report of same. Will testify as to the general condition of the subject property and provide an opinion as to the claimed losses. Will also testify to expert opinions regarding the nature, cause and timing of alleged damage to Cinderella Inn. Will testify regarding documentation supplied by Shayona Investment, including estimates for the cost of repairs to roof and roof structures, invoices for materials purported to be for the subject property. Will also testify as to claims for damages, including consequential damages, if any.
4.	Kurt E. Harms, Accountant Buchanan, Clarke & Schlader, LLP 1312 Glade Rd. Colleyville, TX. 76034 (214) 760-0300	Will testify to conducting a forensic investigation of claims of economic damages of Cinderella Inn and Dietrich's Club due to hail damage to roof and water intrusion. Will testify to an assessment of business revenue and losses for period in question due to alleged losses resulting from alleged hail and water damage. Will also testify to requests made by Century Surety for documentation of said losses and the failure of Shayona Investment to provide adequate documentation.

5.	Peter Evans Evans Adjusters 119 Underhill Rd. Mill Valley, CA. 94941 (415) 381-9223	Will testify to the investigation into Shayona Investment's claim for loss due to hail and water leakage, as well as the claims for loss of business revenue and business property. Will testify as to the condition of the subject property and operation of the businesses at the time of the loss. Will testify as to previous claims for similar losses at subject property. Will testify as to the investigation into operation, ownership, leases, business practices and profits of Cinderella Inn and Dietrich's Club. Will testify to the status of governmental licensing and inspections or citations regarding the sale of food and alcohol at Cinderella Inn and Dietrich's Club under insured and other parties. Will testify to documentation submitted by insured and compare said documents to independently sourced documents. Will testify to Shayona Investment's failure to allow adequate inspection of the subject property as well as a failure to supply necessary documentation required to adequately investigate and document claimed losses. Will testify as to the propriety of the handling of the Defendant's insurance claims by Plaintiff, and the failure of the Defendant to comply with conditions of the insurance policy in regard to said claims.
6.	Travice Jennings 16504 Archery Range Shawnee, OK. 74801 (405) 214-9090 (405) 273-3091	Will testify to the lease agreement between Shayona Investment and Mr. Jennings to operate the Cinderella Inn and Dietrich's Club. Will testify to the condition, operation and the status of required documentation for the subject property. Will testify to the operation and formation of Travice Jennings Enterprises. Will testify about any agreements with Jay Patel and/or Chandrakant Brahmbhatt regarding the purchase of the subject property. Will testify as to the condition, operation, licensing, staff and employees of the Cinderella Inn, Dietrich's Club and hotel restaurant. Will testify as to the claims made by Shayona Investment, including the claimed losses for business interruption, loss of business property and claims for damage due to hail damage and water intrusion damage. Will testify as to claims made

		regarding alleged vandalism of the subject property, including the removal of property, fixtures, equipment, alcohol and cash from Dietrich's, authentication of documents.
7.	Zane White Pottawatomie County Health Department 1904 Gordon Cooper Dr. Shawnee, OK. 74801 (405) 273-2157	Will testify to inspections conducted at Cinderella Inn Hotel, restaurant and Dietrich's and the result of said inspections. Will also testify to any citations or warnings issued as a result of these inspections and Shayona Investment's response, if any, to said citations. Will also testify to governmental licensing required for hotel to operate, licensing required for restaurant, pool and bar to operate and Shayona Investment's status with regard to said licenses. Will testify in relation to claims based upon the operation of an open, operating hotel and an open, operating restaurant, bar and nightclub.
8.	John Wiles, Transportation Director, Shawnee Public Schools 326 North Union Shawnee, OK. 74801 (405) 878-1021	Will testify regarding hail damage to Shawnee Public Schools property adjacent to Cinderella Inn on date of alleged loss including size, duration and damage created by same. Will testify as to general observations regarding the Cinderella Inn, the appearance of the operations and general condition of subject property.
9.	Al Lawrence, President Alco Construction 211 Industrial Blvd. Moore, OK. 73160 (405) 793-1335	Will testify to the inspection of any damage related to storm and/or hail found at Cinderella Inn located at 623 Kickapoo Spur in Shawnee, Oklahoma. Will testify as to the general condition of the roof and the existence of long term damage or deterioration. Will also testify to repairs made to the subject property, the scope of said repairs, the amount of materials, the source of materials and payments made for those materials. Will testify to invoices submitted to Shayona Investment and any payments made by same. Will testify to documents submitted by Shayona Investment and the authenticity and accuracy of those documents.
10.	Kenneth Spence Alco Construction 211 Industrial Blvd. Moore, OK. 73160 (405) 793-1335	Will testify to the inspection of any damage related to storm and/or hail found at Cinderella Inn located at 623 Kickapoo Spur in Shawnee, Oklahoma. Will testify as to the general condition of the roof and the existence of long term damage or deterioration. Will also testify to repairs made to

		the subject property, the scope of said repairs, the amount of materials, the source of materials and payments made for those materials. Will testify to invoices submitted to Shayona Investment and any payments made by same. Will testify to documents submitted by Shayona Investment and the authenticity and accuracy of those documents.
11.	Representative Roofing Supply Group of Oklahoma 5120 N.W. 5th St. Oklahoma City, OK. 73127 (405) 605-7807	Will testify to the amount and cost of materials purchased by ALCO or Shayona Investment for use at subject property, authentication of documents.
12.	Darrin Stephens Right Way Services 123 Cherry St. Tecumseh, OK. 74873 (405) 887-0055	Will testify to working as a contractor for Shayona Investment at the Cinderella Inn. Will testify to working to remove debris, remove and replace flooring, carpet, tile and fixtures at subject property. Will testify to reporting to Chandrakant Brahmbhatt, a/k/a Jay Patel, for work assignments and the presence, if any, of any other contractors or workers providing similar services. Will also testify to the “invoices” and “estimates” provided by the insured for work performed totaling approximately $712,798.00, and authenticity of same. Will testify as to the scope of work and rate for same as detailed in purported “Invoices.” Will testify to the removal of fixtures in the restrooms at Dietrich’s at request of Mr. Patel and the timing of same. Will testify to the general condition of the hotel, including any long term damage or issues. Will testify as to the actual amount of any invoices submitted to Mr. Patel for work performed at Cinderella Inn and the current status of payments on those invoices. Will testify to documenting all work performed with photographic evidence, will authenticate documents submitted by Shayona Investment purported to be “Invoices” from Right Way Services. Will testify as to general condition of insured property.
13.	Tim Grabin 14 Timber Creek Dr. Shawnee, OK. 74804 (405) 273-5772	Will testify to experience as a heating, ventilation, air conditioning and refrigeration technician. Will testify to working for Sunbelt Heating and Air Conditioning in Shawnee, Oklahoma as well as the

		nature, age and extent of any damage to the heating, ventilation and air conditioning equipment located at subject property. Will also testify to performing repairs and maintenance to the heating, ventilation and air conditioning units located at the Cinderella Inn. Will testify as to the creation of the 2/21/13 Proposal and Agreement that specifically states that the replacement of the 10 units was due to severe hail damage. Will testify as to the existence of a 25 ton chiller and the inclusion of same on the 2/21/13 Proposal and Agreement. Will testify to the exact nature of any work, repairs or replacement of the heating, ventilation and air conditioning equipment located at subject property and all invoices submitted to insured as well as any payments made by insured, authentication of documents
14.	Richard Toy, III 5829 Saramac Dr. Fort Worth, TX. 76148 (501) 209-1782	Will testify to information regarding the authenticity of invoices under the name "R. Toy & Sons Painting & Drywall" submitted by Shayona Investment as evidence of additional water intrusion damage and work performed by contractors at Cinderella Inn. Will testify to work performed by Alco Construction on the roof of the Cinderella Inn as well as interactions with Chandrakant Brahmbhatt, aka Jay Patel.
15.	Travis Burdine 2221 W. Seventh Spitler Dr. Prague, OK. 74864 (405) 831-6996	Will testify to operation of Dietrich's under a verbal lease with Travice Jennings and Chandrakant Brahmbhatt, aka Jay Patel. Will testify to the assurances of Mr. Jennings and Mr. Patel that the subject property possessed current valid licenses for the sale of Alcoholic beverages. Will testify to a raid conducted at Dietrich's on October 31, 2012 by agents of the Oklahoma ABLE Commission and Shawnee Police Department and the arrest of Mr. Burdine and others for selling Alcoholic beverages without a license. Will testify to the general condition of subject property.
16.	Rande Kaufman, CPCU, AIC or corporate representative of Plaintiff	Will testify to the receipt of Defendant's claims in the course of the business of Century Surety, communications with Defendant regarding the factual basis for Defendant's claims, the retention

	c/o Richards & Connor	of third party claims professionals and consultants, and the receipt and review of documents from Defendant and other parties who inspected or performed work on the insured location. Also will testify to the information received by Century Surety as the result of inspections of Cinderella Inn by adjusters and consultants at the request of Century Surety, and the claim decisions made based upon that information. Will testify to Defendant's failure to adhere to the terms and conditions of the Century Surety Commercial Lines Policy by failing to cooperate with Plaintiff during the investigation into Defendant's claims, failure to allow inspections of certain areas of the Cinderella Inn and failure to provide required documentation. Will testify to results of the investigation into the operation, ownership, leases, business practices and profits of Cinderella Inn and Dietrich's Club, and Defendant's failure to provide requested documentation related to the same. Will testify to payments made to Defendant for claimed losses and the reason such payments were made, and as to certain claimed losses which were not paid and the basis for such decisions, as well as the basis for Century Surety's concerns in relation to the veracity of certain information submitted by the Defendant to induce Century Surety's payment of its claims.
17.	Jack Taulbee Cunningham Lindsey 4064 N.W. 64th St. Suite 205 Oklahoma City, OK. 73116 (405) 761-2398	Will testify to conducting inspections and investigation into Defendant's claims for loss due to hail and water leakage at Cinderella Inn as an independent adjuster retained by Century Surety. Also will testify to communications with Defendant, including the request for documentation from Defendant and Defendant's failure to provide requested documentation. Will testify to the results of the investigation into Defendant's claimed loss of business revenue, including Defendant's failure to provide required documentation and identification of documents provided by Defendant, and as to the investigation into the operation, ownership, leases, business practices and profits of Cinderella Inn and

		Dietrich's Club. Will testify to Defendant's licensing and inspections for the sale of food and alcohol at the Cinderella Inn and Dietrich's Club.
18.	Steve Lukie Property Claims Representative Century Surety c/o Richards & Connor	Will testify as an employee of Century Surety to the investigation of the vandalism claim made by Defendant with a date of loss of October 30, 2011, and the payments made by Century Surety pursuant to that claim, as well as to information learned from the investigation of that claim by independent adjuster Mike Bayliss who was retained in relation to that loss.
19.	Mike Bayliss General Adjuster VeriClaim, Inc. Suite 16 10600 S. Pennsylvania Oklahoma City, OK 73170 (405) 310-2432	Will testify that he was retained as an independent adjuster by Century Surety to investigate the vandalism claim made by Defendant with a date of loss of October 30, 2011, and as to his observations during that investigation, his communications with the Defendant concerning the loss and the documentation of the loss requested, as to the documentation provided by Defendant in response to his requests, as to his evaluation of the amount of the loss based upon the information available to him and the payments made by Century Surety pursuant to that claim, and as to the subsequently submitted supplemental claim for damage purportedly not observed by the Defendant at the time of the loss.
20.	Records custodians as necessary	Will testify to the authentication and identification of records, including as business or governmental records, to the extent that objections are made to the admission into evidence such documents on those bases.

B. Defendant:

Name Address Proposed Testimony

DEFENDANT SHAYONA INVESTMENT, LLC'S WITNESS LIST

NO:	NAME	EXPECTED TESTIMONY
1.	Chandrakant Brahmbhatt, Manager Representative of Cinderella Inn c/o PETTIS & STONE 320 N. Broadway	Expected to testify as to management of Cinderella Inn, communications/negotiations with Plaintiff re: subject insurance claims, communications/negotiations with subcontractor

	Shawnee, OK 74801	re: subject insurance claims, function as general contractor for repairs to Cinderella Inn, damages suffered as a result of Plaintiff's wrongful acts/omissions, firsthand observations of damages and repairs to subject property
2.	Jagdish Patel Owner of Shayona Investment LLC c/o PETTIS & STONE 320 N. Broadway Shawnee, OK 74801	Expected to testify as to operations and ownership of Shayona Investment LLC, communications between Plaintiff and Defendant re: insurance claims
3.	Mike Bayliss General Adjuster VeriClaim, Inc. Suite 16 10600 S. Pennsylvania Oklahoma City, OK 73170 (495) 310-2432	Expected to testify as to observations as independent adjuster for subject claims, communications with Defendant's representatives
4.	Will Roseberg RBC Agency Inc. 3707 N. Harrison Shawnee, OK 405-273-1600	Expected to testify as to observations as insurance agent for subject property insurance, communication re: loss at subject property, claims re: subject property
5.	Jack Taulbee Cunningham Lindsay 4064 N.W. 64th St., Suite 205 Oklahoma City, OK 73116 (405) 761-2398	Expected to testify as to observations as independent adjuster for subject claims, communications with Defendant's representatives, calculations of loss re: subject claims
6.	Al Lawrence, President Alco Construction 211 Industrial Blvd. Moore, OK 73160 (405) 793-1335	Expected to testify as to observations as subcontractor, inspection of damages related to storm and/or hail found at Cinderella Inn, repairs made to the subject property, the scope of said repairs, removal or air conditioning and chiller units at Cinderella Inn
7.	Brian Butler Butler Roofing 1609 NW 47th Oklahoma City, OK 73118 (405) 602-2004	Expected to testify as to observations as subcontractor, inspection of damage found at Cinderella Inn, repairs made to the subject property, the scope of said repairs
8.	Gary Hobbs American Air Conditioning & Heating, Inc. 212 W. Main Shawnee, OK 74801 (405) 275-3223	Expected to testify as to observations as subcontractor, inspection of damage and installation of chiller system
9.	Travice Jennings	Expected to testify as to management of

	16504 Archery Range Shawnee, OK 74801 (405) 214-9090 (405) 273-3091 (405) 642-1998	Deitrich's, communications/negotiations with Plaintiff re: subject insurance claims, communications/negotiations with C. Brahmbhatt re: subject insurance claims, firsthand observations of condition of damages and repairs to subject property
10.	Priti Patel 623 Kickapoo Spur Shawnee, OK (405) 273-7010	Expected to testify as to condition of damages and repairs to subject property
11.	Vasant Patel 623 Kickapoo Spur Shawnee, OK (405) 273-7010	Expected to testify as to condition of damages and repairs to subject property
12.	Khyati Brahmbhatt 530 Nadia Way Stafford, TX 77477	Expected to testify as to condition of damages and repairs to subject property
13.	Kathleen A. Bost, CPCU Senior Claims Rep PO Box 163340 Columbus, OH 43216-3340 (602) 445-5938	Expected to testify as to handling and approval of subject claims, communications with Defendant's representatives, calculations of loss re: subject claims
14.	Kenneth Spence Alco Construction 211 Industrial Blvd. Moore, OK 73160 (405) 793-1335	Expected to testify as to observations as subcontractor, inspection of damage related to storm and/or hail found at Cinderella Inn, repairs made to the subject property, the scope of said repairs
15	Melvin _____ (405) 585-1258	Removal of air conditioning and chiller units at Cinderella Inn
16.	All necessary record custodians to authenticate records	Expected to testify to the authentication and identification of records, including as business or governmental records, to the extent that objections are made to the admission into evidence such documents on those bases
17.	Representative Wilson Electric, Heat & Air, Inc. 42506 Westech Rd. Shawnee, OK 74804 (405) 273-5930	Expected to testify as to electrical work done at Cinderella Inn relevant to subject claims
	All witnesses listed by Plaintiff and not objected to by Defendants	
	Rebuttal witnesses	
	Defendant respectfully requests that it be allowed to supplement this Witness List as discovery	

	progresses, if necessary	

8. ESTIMATED TRIAL TIME:

A. Plaintiff's Case: 3 days

B. Defendant's Case: 2 days

9. BIFURCATION REQUESTED: Yes ___X___ (as to punitive damages only) No ______

10. POSSIBILITY OF SETTLEMENT:

Good __________ Fair __________ Poor ____X______

All parties approve this report and understand and agree that this report supersedes all pleadings, shall govern the conduct of the trial, and shall not be amended except by order of the Court.

_*s/ Phil R. Richards*___________________________
Counsel for Plaintiff

_*s/ S. Corey Stone*___________________________
Counsel for Defendant